

1 PARRA VICTOR JR.  
2 CDC No. P-58682  
3 P.O. Box. 799002  
4 San Diego CA. 92179  
5 In pro se

FILED

2008 JUN -4 AM 8: 23

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY Rm DEPUTY

NUNC PRO TUNC

MAY 29 2008

8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10  
11 VICTOR PARRA  
12 Petitioner  
13 V.  
14 JAMES TILTON, Warden, et al.,  
15 Respondent

Case No. 08CV0472 J (LSP)

DECLARATION IN SUPPORT OF MOTION FOR  
STAY AND ABEYANCE

16  
17 I Victor Parra Declares as follows in support of the motion  
18 for Stay and Abeyance.

- 19 1. I am the plaintiff, petitioner. And make the following statements  
20 2. I have been incarcerated since the conviction of the challenged  
21 case and housed at the Administrative Segregation Unit (ASU).  
22 3. I am Indigent and cannot afford legal representation.  
23 4. At the conclusion of the state appeals due to the volume of  
24 petitioners property, petitioner was not in posesion of the full transcripts of the case  
25 untill late July, 2007.  
26 5. The prison stop purshasing Legal books since 2005 and any new  
27 Judicial decision can only be access throug one of two computers at the Law Library.  
28 6. Petitioner engaged in a continued investigation from July 2007

1 to November 2007 when he was deprived of his transcripts.

2 7. Petitioners claim involves a change in the law which throug  
3 limited reasearch found nothing.

4 8. On December 2007 petitioner secured posesion of all court transcripts  
5 and filed the present petition.

6 9. petitioners claim is potentially meritorious because they raise claims  
7 based on the violation of rights under the U.S. Constitution.

8 10. The facts petitioner has alleged in the petition, if taken as true, are  
9 sufficient to merit relief.

10 11. Any delay in exhausting the claim is solely the result of the facts  
11 alleged in this declaration, and not the result of any intentionally dilatory litigation  
12 tactics.

13 Good cause appearing petitioner asks the Court grants the motion.

14  
15 Dated May 22, 2008.

Respectfully Submitted

Victor Parra

In pro se

**VERIFICATION**STATE OF CALIFORNIA  
COUNTY OF SAN DIEGOCase No. 08CV0472 J (LSP)

(C.C.P. SEC.446 &amp; 201.5; 28 U.S.C. SEC. 1746)

I, VICTOR PARRA DECLARE UNDER PENALTY OF PERJURY  
 THAT: I AM THE Petitioner IN THE ABOVE ENTITLED ACTION;  
 I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS  
 TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND  
 BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 22 DAY OF: May 2008 AT Richard J. Donovan, Corr. Fac. P.O. Box. 799002, San Diego CA. 92179

(SIGNATURE) Victor Parra  
 (DECLARANT PRISONER)

**PROOF OF SERVICE BY MAIL**

(C.C.P. SEC.1013 (a) &amp; 2015.5; 28 U.S.C. SEC.1746)

I, Victor Parra AM A RESIDENT OF Richard J. Donovan Corr. Fac. San Diego  
County, STATE OF CALIFORNIA. I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM ~~NOT~~  
 A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS: P.O. BOX 799002  
San Diego CA. 92179

ON May 22 2008 I SERVED THE FOREGOING: Declaration In  
Support of Motion For Stay and Abeyance

**(SET FORTH EXACT TITLE OF DOCUMENTS SERVED)**

ON THE PARTY (S) HEREIN BY PLACING A TRUE COPY (S) THEREOF, ENCLOSED IN A SEALED ENVELOPE (S),  
 WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO PROVIDED  
 AT 480 Alta Road San Diego CA. 92179

To the Clerk  
 U.S. District Court  
 Southern District of California  
 880 Front street, Suite 4290  
 San Diego CA. 92101-8900

Bradley A. Weinreb  
 Deputy Attorney General  
 110 West A street, Suite 1100  
 San Diego CA. 92101  
 P.O. Box. 85266  
 San Diego CA. 92186-5266

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS  
 REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED.  
 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: May 22, 08

Victor Parra  
 (DECLARANT PRISONER)